

RESPONSE UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/623,569

Attorney Docket No.: Q76408

REMARKS

Claims 1 and 9-16 are all the claims pending in the application.

I. Response to Rejections of Claims 1 and 9-16 under 35 U.S.C. § 103(a)

Claims 1, 9-13, 15, and 16 are still rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Vesley et al. (US 4,950,537).

In addition, claim 14 is still rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Vesley et al. (US 4,950,537) in view of Kameyama et al. (US 6,166,799).

The rejections are respectfully traversed.

The Examiner asserts that the claimed substrate broadly covers the PSA layer comprising pigment-coated microbubbles of Vesley. Thus, the Examiner is equating one or more layer(s) of pressure-sensitive adhesive as a substrate and other layers of PSA as a supporting substrate because Vesley teaches: "At least one layer of the pressure-sensitive adhesive comprises pigment-coated microbubbles; additional layers may comprise additional pigment-coated microbubbles, coated with similar or differing pigments, or uncoated microbubbles." See col. 7, lines 31-40.

In addition, it is the Examiner's position that in absence of any unexpected results, one in the possession of Vesley's invention can easily choose colored layers and the arrangement of the colored layers as required by the claims because choosing desired color and arranging them in an order to form an esthetically pleasing PSA tape involve routine skill in the art and in view of Vesley's teaching that the adhesive tape of the invention can have any desired color. See col. 2, lines 53-54.

Applicants respectfully disagree.

The double-sided pressure-sensitive adhesive tape of the present invention does not aim at "forming the esthetically pleasing pressure-sensitive adhesive tape", but aims at reconciling light-reflecting properties and light-shutting properties. In order to practically realize this goal, the present invention has the specific constitution, which comprises a white layer, a layer of a color other than white and black, and a black layer.

When the present invention aims at "forming the esthetically pleasing pressure-sensitive adhesive tape", as stated by the Examiner, it is understood that with respect to the white layer and the black layer forming both surface layers capable of being directly confirmed by eyes, the color tone, or the like is adjusted. However, it is usually not considered by one of ordinary skill in the art to form "the layer of a color other than white and black" between the white layer and the black layer because the esthetic pleasure of the pressure-sensitive adhesive tape is deteriorated when both surface layers are desired to be white and black, respectively.

On the other hand, the present invention practically realizes the effect of not forming the esthetically pleasing pressure-sensitive adhesive tape, but of improving reconciling light-reflecting properties and light-shutting properties by intervening the layer of a color other than white and black between the white layer and the black layer, which effect could not be expected by the prior art. Vesley's is silent regarding this point.

In addition, the Examiner also notes that having colored layers of specific colors and arranging them in a specific order may be useful in the liquid crystal display (LCD) technology.

It is respectfully submitted that one of ordinary skill in the art would not specifically choose the specific colors or combination of color and/or the arrangement of the colored layers based on the disclosure of Vesley or routine skill.

Claim 1 recites that the "substrate comprises colored layers comprising a white layer, a layer of a color other than white and black, and a black layer which are superposed in this order."

The Examiner simply states that the one in the possession of Vesley's invention can easily choose colored layers and the arrangement of the colored layers as required by the claims because choosing desired color and arranging them in an order to form an esthetically pleasing PSA tape involve routine skill in the art. However, the Examiner has not provided any basis or support for his position.

For example, Vesley discloses various pigments, such as red, blue, yellow and black, but does not disclose the use of white pigments. In addition, an adhesive layer having yellow pigments and exhibiting L* of close to 100 (white) could not be considered a "white layer". Furthermore, an advantage or object of the invention of Vesley is to have a sufficiently dark or colored appearance. Thus, based on the disclosure of Vesley, one of ordinary skill in the art would not want to use a white layer.

Moreover, although Vesley discloses that more than one layer may comprise pigment-coated microbubbles, Vesley does not specifically disclose any specific embodiments or Examples containing more than one colored PSA layer. Thus, Vesley does not disclose any specific arrangement of colored layers.

For at least the above reasons, based on the entire disclosure of Vesley, it is respectfully submitted that one of ordinary skill in the art would not be motivated to specifically select the specific colored layers or combination of layers recited in claim 1 and/or arrange the layers in the specific order as claimed.

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In view of the above, it is respectfully submitted that Vesley does not render claim 1 obvious, and that claims 9-16 are also patentable over Vesley for at least the same reasons as claim 1.

Accordingly, withdrawal of the rejection is respectfully requested.

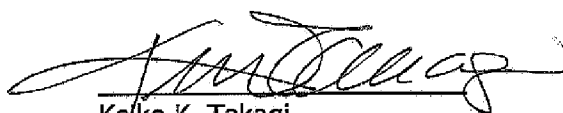
II. Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1 and 9-16 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kelko K. Takagi
Registration No. 47,121

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

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